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10 June 1981

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FILE: Security 4-1

MEMORANDUM FOR: Director of Central Intelligence

FROM: General Counsel
Acting Legislative Counsel

SUBJECT: Attorney General's Views on Legislation
to Amend the Freedom of Information Act

1. As you know, by letter dated 22 May 1981 Attorney General Smith informed you that the Department of Justice does not intend to support our legislative proposal to exempt CIA and NSA from the Freedom of Information Act (FOIA). Instead, Justice presently intends to seek the introduction of comprehensive legislation to deal, on a government-wide basis, with the problems created by the FOIA. The Attorney General suggested that if you or the Secretary of State disagreed with Justice's position, the issue be raised at a staff or Cabinet meeting, or, after you and Smith have had an opportunity to discuss it, with the President himself.

2. We recommend that you sign the attached letter to Attorney General Smith:


-- It reiterates this Agency's views on the necessity of full relief from the FOIA.

-- It points out that significant legislation was enacted last year to totally exempt from the FOIA certain material received by the FTC and that, thus, there is a precedent for seeking FOIA relief on other than a government-wide basis.


-- It proposed that Stan Sporkin and Deputy Attorney General Edward C. Schmults meet; if still unresolved, then you meet with the Attorney General.

3. If such a meeting does not result in the withdrawal by Justice of its opposition to our proposal (as the Department of State has done), we recommend that you then proceed to obtain our own exemption by separate legislative action.

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Stanley Sporkin
General Counsel

/s/


Acting Legislative Counsel

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Attachment.

OGC/DR:rd (8 Jun 81)

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